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8 **UNITED STATES DISTRICT COURT**

9 EASTERN DISTRICT OF CALIFORNIA

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11 GUILLERMO TRUJILLO CRUZ,

12 Plaintiff,

13 v.

14 BALLESTEROS,

15 Defendant.

Case No. 1:20-cv-00124-BAM (PC)

ORDER STRIKING UNSIGNED COMPLAINT
AND REQUIRING PLAINTIFF TO FILE A
SIGNED COMPLAINT

(ECF No. 1)

THIRTY (30) DAY DEADLINE

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17 Plaintiff Guillermo Trujillo Cruz ("Plaintiff") is a state prisoner proceeding *pro se* in this
18 civil rights action under 42 U.S.C. § 1983. Plaintiff initiated this action on January 23, 2020,
19 together with a motion to proceed *in forma pauperis*.¹ (ECF Nos. 1, 2.)

20 The Court is required to screen complaints brought by prisoners seeking relief against a
21 governmental entity and/or against an officer or employee of a governmental entity. 28 U.S.C.
22 § 1915A(a). In preparing to screen the complaint, the Court noted that Plaintiff's complaint lacks
23 any signature. Both the Federal Rules of Civil Procedure and this Court's Local Rules require
24 that all filed pleadings, motions and papers be signed by at least one attorney of record or by the
25 party personally if the party is unrepresented. Fed. R. Civ. P. 11(a); Local Rule 131(b). As
26 Plaintiff's complaint is unsigned, the Court must strike it from the record. Plaintiff will be

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28 ¹ Plaintiff's motion to proceed *in forma pauperis* will be addressed by separate findings and
recommendations.

1 permitted **thirty (30) days** to file a signed complaint that complies with Federal Rules of Civil
2 Procedure and the Local Rules.

3 Based on the foregoing, it is HEREBY ORDERED that:

- 4 1. Plaintiff's complaint, filed January 23, 2020, (ECF No. 1), is STRICKEN from the
5 record for lack of signature;
- 6 2. The Clerk of the Court is directed to send to Plaintiff a civil rights complaint form;
- 7 3. Within **thirty (30) days** from the date of service of this order, Plaintiff SHALL file a
8 signed complaint or a notice of voluntary dismissal; and
- 9 4. **Plaintiff is warned that the failure to comply with this order will result in**
10 **dismissal of this action, without prejudice.**

11 IT IS SO ORDERED.
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13 Dated: January 24, 2020

14 /s/ Barbara A. McAuliffe
15 UNITED STATES MAGISTRATE JUDGE
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